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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,649	10/24/2000	Jerome Swartz	021XAXX	2064

7590 09/23/2003

Kirschstein Ottinger Israel & Schiffmiller PC  
489 Fifth Avenue  
New York, NY 10017-6105

EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/695,649	Swartz et al.
	Examiner	Art Unit
	Cuong H. Nguyen	3625
		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Jan 8, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims 1-20 are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>1</u>	20) <input type="checkbox"/> Other: _____

### **Status of the Claims**

1. Claims 1-20 are pending in this application.

#### **Priority**

2. This application has a priority date of 10/24/2000.

#### **Election/Restriction**

3. After reviewing the pending application, the election to one of the

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following inventions is deemed necessary. The delay of this requirement is  
regretted by the examiner of the record.

4. Restriction to one of the following inventions is required under 35 U.S.C.  
121:

I. Claims 1-14 are drawn to a method of remotely directing potential  
customers to suppliers of transactions in a venue, classified in US class 705,  
subclass 26.

II. Claims 15-20 are drawn to a computer device arrangement (please  
note that "for recommending transactions to potential customers in a venue in  
which the transactions are offered" is belongs to intend of use; therefore, these  
"arrangement "claims are not necessarily for this purpose only), classified in  
class 370, subclasses 310.1, 912, 913 (i.e., a structure of LAN for wireless  
applications).

Remark: A standardized definition for wireless LAN in computer dictionary is: "A  
wireless LAN is one in which a mobile user can connect to a local area network  
(LAN) through a wireless (radio) connection. A standard, IEEE 802.11, specifies  
the technologies for wireless LANs. The standard includes an encryption  
method, the Wired Equivalent Privacy algorithm. High-bandwidth allocation for

wireless will make possible a relatively low-cost wiring of classrooms in the United States. A similar frequency allocation has been made in Europe. Hospitals and businesses install wireless LAN systems where existing LANs are not already in place. Using technology from the Symbionics Networks, Ltd., a wireless LAN adapter can be made to fit on a Personal Computer Memory Card Industry Association (PCMCIA) card for a laptop or notebook computer".

5. The inventions (group I and group-II) are distinct by above definitions, each from the other because of the following reasons:
6. Inventions Group I and Group II are related as process and arrangement for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP 806.05(e)). In this case, (2) confirms that group II is directed to a structure of LAN for wireless applications that can be used to practice a different process (please note that a LAN arrangement is capable of performing many different processes) such as email communications, or exchanging information to (related) different parties (for people in a company, or in a hospital, not necessary for transactions in a department store).
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
8. A telephone call was made to Mr. Alan Israel (Reg.# 27,564) on 9/21/2003 to request an oral election to the above restriction requirement, but

did not result in an election being made; therefore, a formal request for restriction is mailed.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344. Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703)305-7687** [Official communications]

or **703-746-5572** (RightFax)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist. Receptionist's telephone number: (703)308-1113.

*Cuonghnguyen*  
Primary Examiner  
Sept. 21, 2003